

Docket No.	Claimant
1939.....	Next of Kin of J. W. Storey.
1940.....	Theo. L. Stouffer.
1944.....	George E. Hogue.
1949.....	Durango Mercantile Company.
1958.....	Estate of Jacob D. Rowe.
1959.....	Asientos Mining Company.
1980.....	Mrs. Walter Van Den Bosch.
1987.....	Charles F. Parker.
1988.....	Fred C. Hall.
1999.....	Ernest Harms.
2001.....	Mrs. James LeNoir.
2002.....	David N. Williams.
2004.....	D. I. Milling.
2008.....	E. L. Winslow.
2011.....	Dr. John Gordon McAlpine.
2013.....	Marcos Luis Jalmes.
2016.....	Mrs. Bernard Kelly.
2022.....	Joe E. Trumbley.
2032.....	Oliver C. Ulmer.
2034.....	George S. Bailey.
2041.....	Ory G. Meek.
2047.....	J. O. Evans.
2051.....	A. V. N. Franchie.
2067.....	Mexican Exploration Syndicate.
2071.....	Mrs. G. H. Muñoz and other Heirs of Marcial Muñoz, deceased.
2083.....	G. E. Ingersoll.
2101.....	W. J. Harrell.
2104.....	Hiram C. Smith.
2107.....	J. S. Haller.
2113.....	Jacob Schmid.
2122.....	C. D. Foster.
2123.....	Frank Sims.
2128.....	Next of Kin of William T. Kendall.
2132.....	Robert LeBonnet.
2133.....	J. D. Lawson.
2137.....	Edward Fenley.
2140.....	I. A. Winans.
2143.....	Albert Frank.
2145.....	C. J. Moon.
2162.....	Leonard Haynes, et al., Allottees of Compañía Comercial de Puebla, S. A.
2163.....	H. L. Eisenhart.
2166.....	Imperial Development Company.
2179.....	F. G. Holeman.
2180.....	J. N. Wallace.
2196.....	Fred Hetrick.
2197.....	Joseph Henry Debus.
2199.....	Henry Copelan.
2203.....	A. U. Gray.
2208.....	Chester Staley.
2211.....	W. Blair Flandrau.
2217.....	J. F. Hodges.
2226.....	Alonzo D. Skinner.
2228.....	Ernest Hesse.
2230.....	F. Edward Haymore.
2232.....	Harry G. Brown.
2233.....	Lucy Ansley.
2244.....	Edward A. Hunt.
2247.....	C. G. Carlisle.
2253.....	Maria R. Sherman.
2254.....	Mrs. J. S. McDonald.
2256 and 2377.....	J. G. Bartlett.
2272.....	E. M. Albers.
2275.....	William Staley.
2276.....	Lucy A. Brown.
2283.....	Guanajuato Mine Syndicate.
2285.....	L. Q. Taylor.
2286.....	Pedro Galles.
2287.....	I. Clark Webb.
2289.....	Mrs. Carolina Elizabeth Harrell.
2291.....	F. O. Colson.
2292.....	James Brewer.
2294.....	F. A. Carter.
2295.....	Esperanza Mining Company.
2301.....	Mrs. Laura Merrifield, et al.
2303.....	W. E. Esterly.
2304.....	Oil Fields of Mexico Company.
2309.....	Moses E. Sanders.
2322.....	W. J. Wakefield.
2341.....	E. E. Denler.
2355.....	Thomas H. Denney.
2357.....	Hubert Ebe.
2363.....	Lucy Bailey and Thomas E. Bailey.
2374.....	John Cortland Elkins.
2387.....	Alfred M. Grant.
2391.....	Next of Kin of Frank Hayden.
2402.....	Next of Kin of John Williams.
2437.....	La Republica Mining Company.
2438.....	W. E. Ashton, M. D.
2440.....	C. E. Shackelford.
2452.....	T. B. Rains, Stockholder in Virginia C. Mining, Milling and Smelting Co., S. A.
2465.....	Next of Kin of Charles Goldsborough.
2468.....	Aschir Stamps.
2472.....	Next of Kin of Henry Scholz.
2474.....	Next of Kin of Oscar Wallace.
2479.....	Next of Kin of Edward J. Wright.

Docket No.	Claimant
2489.....	William Krause.
2507.....	Alvarado Mining & Milling Co.
2508.....	William Bauch, Mrs. Bertha Bauch, and Louise Bauch Hartley Achilles.
2514.....	L. A. Palmer.
2571.....	Next of Kin of Ernest Spillsbury.
2600.....	J. A. Hatch.
2607.....	M. Kranzthor.
2609.....	Thomas W. Willard, M. D.
2620.....	Clarence J. Moon.
2623.....	V. R. Johnson, Adm. of the Estate of B. L. Johnson, deceased.
2646.....	T. N. McCormick.
2650.....	Frank Humphers.
2661.....	Carolina Buser.
2696.....	Charles Boyle.
2702.....	Mrs. Celia Griffiths.
2725.....	American International Fuel and Petroleum Company.
2750.....	S. A. Joyner, Gene Patton, J. Butler, Oscar Dunn, C. G. Nicewarner, A. A. Hamilton, H. R. Preston, James Barnett, R. J. Bills, Daisy Patton, Bertha Heinrich, V. Veach, T. O. Cockburn, Henry Valkamp and W. H. Merical.
2764.....	Jesusa Varela and Adolfo, Varela.
2767.....	Abundio Soto.
2821.....	Frontera Transportation Company.
2829.....	W. Y. Rich and Oscar Bryans.
2840.....	Gertrude Baker Stone.
2845.....	Next of Kin of Frederick W. Slaughter.
2847.....	J. C. Dold.
2851.....	M. Farrell.
2886.....	P. L. Mathews.
2887.....	Mrs. Irene Mathews.
2897.....	Mrs. Minerva A. Renner McCrocklin, Individually and as Executrix of the Will of Linton M. McCrocklin, Deceased.
2916.....	John Glaus.
2919.....	Elias B. Kinne.
2966 and 2501.....	Vernie and Oscar Medlin.
2980.....	Parsons Trading Company.
3011.....	El Sandoval Association.
3013.....	S. M. Johnson.
3021.....	Col. Otto Wahrmond and Other American Stockholders of Compañia Guaylana Nacional, S. A.
3025.....	Leonardo Lujan.
3033.....	Estate of Charles Pilkey.
3039.....	J. W. Porter and other next of kin of Gabriel Porter.
3040.....	Russell Davidson and other next of kin of Rodrick Davidson, Deceased.
3051.....	W. M. McCarty.
3052.....	Mexico American Land Company.
3055.....	W. H. Ringgold.
3061.....	C. D. Turley.
3062.....	John Esher Knobel.
3069.....	Dr. Charles C. Young.
3072.....	Charles L. Foerster.
3073.....	William B. Raymond and Carl F. Schader.
3075.....	Estate of Independence Grove.
3084.....	Next of Kin and the Estate of Charles Crossman.
3089.....	G. H. Snowden.
3104.....	F. M. Shelton and other American Stockholders of the American Grocery Company, S. A.
3112.....	Estate of Frank S. Kirkland.
3119.....	J. S. Andrews, Adm. of the Estate of P. A. Andrews, deceased.
3120.....	D. H. Hagle.
3122.....	M. B. Knapp.
3128.....	A. G. Fenrich.
3134.....	J. B. Thomas.
3145.....	T. B. Phillips.
3160.....	George W. Foote, Theodore Harris, and Heirs of Alonzo Dutton.
3164.....	Lake Viejo Grapefruit & Orange Co.

[F. R. Doc. 2252—Filed, September 17, 1936; 10:12 a. m.]

Saturday, September 19, 1936

No. 135

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

DETERMINATION OF THE SECRETARY OF AGRICULTURE WITH RESPECT TO A PROPOSED ORDER REGULATING THE HANDLING OF MILK IN THE DISTRICT OF COLUMBIA MARKETING AREA

Whereas, the Secretary of Agriculture, pursuant to Sections 8b and 8c of Title I of the Agricultural Adjustment Act, approved May 12, 1933, as amended, hereinafter called the act, having reason to believe that the issuance of a marketing

agreement and order with respect to the handling of milk in the District of Columbia Marketing Area would tend to effectuate the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as would reestablish prices of milk to producers of milk in said area at a level that would give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of milk in the base period, August 1924-July 1929, gave, on the 2nd day of July 1936, notice of a hearing,¹ which was held on the 20th day of July 1936, at Washington in the District of Columbia, on a proposed marketing agreement and a proposed order regulating the handling of milk in the District of Columbia Marketing Area, at which time and place all interested parties were afforded an opportunity to be heard on the proposed marketing agreement and the proposed order; and

Whereas, after such hearing and after the tentative approval by the Secretary of a marketing agreement on the 25th day of August 1936, handlers of more than 50 per centum of the volume of milk, covered by such proposed order, which is produced or marketed within the District of Columbia Marketing Area, refused or failed to sign such marketing agreement relating to milk;

Now, therefore, the Secretary of Agriculture, by virtue of the authority vested in him by the act, does hereby determine:

1. That the refusal or failure of said handlers to sign the said marketing agreement tends to prevent the effectuation of the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as will reestablish prices of milk to producers of milk in said area at a level that will give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of such milk in the base period, August 1924-July 1929; and

2. That the issuance of the proposed order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area; and

3. That the issuance of the proposed order is approved or favored by over eighty-four (84) per centum of the producers who, during the month of June 1936, said month being here and now determined by the Secretary to be a representative period, have been engaged in the production of milk for sale in the said area.

In witness whereof, I, H. A. Wallace, Secretary of Agriculture, have executed this determination and have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 16th day of September 1936.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

Approved:

FRANKLIN D. ROOSEVELT,
The President of the United States.

Dated September 16, 1936.

[F. R. Doc. 2270—Filed, September 17, 1936; 2:01 p. m.]

ORDER REGULATING THE HANDLING OF MILK IN THE DISTRICT OF COLUMBIA MARKETING AREA

Whereas, by section 8b of Title I of the Agricultural Adjustment Act, approved May 12, 1933, as amended, hereinafter called the Act, the Secretary of Agriculture, hereinafter called the Secretary, is empowered, after due notice and opportunity for hearing, to enter into marketing agreements with processors, producers, associations of producers, and others engaged in such handling of any agricultural commodity or product thereof as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas, by section 8c (1) of the Act the Secretary is empowered to issue orders applicable to processors, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof specified in subsection (2) of section 8c, such orders to regulate only such handling of such agricultural commodity or product thereof as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas, the Secretary, having reason to believe that the issuance of a marketing agreement and order with respect to the handling of milk in the District of Columbia Marketing Area would tend to effectuate the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as would reestablish prices of milk to producers of milk in said area at a level that would give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of milk in the base period, August 1924-July 1929, gave, on the 2nd day of July 1936, notice of a hearing, which was held on the 20th day of July 1936 at Washington in the District of Columbia, on a proposed marketing agreement and a proposed order regulating the handling of milk in the District of Columbia Marketing Area, at which time and place all interested parties were afforded an opportunity to be heard on the proposed marketing agreement and the proposed order; and

Whereas, the Secretary has found and proclaimed the period August 1924-July 1929 to be the base period to be used in connection with ascertaining the purchasing power of milk handled in the District of Columbia Marketing Area; and

Whereas, after said hearing and after the tentative approval by the Secretary of a marketing agreement on the 25th day of August 1936, handlers of more than 50 per centum of the volume of milk, covered by this order, which is marketed within the District of Columbia Marketing Area, refused or failed to sign such marketing agreement; and

Whereas, the Secretary determined, on the 16th day of September 1936, said determination being approved by the President of the United States on the 16th day of September 1936, that said refusal or failure tends to prevent the effectuation of the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as would reestablish prices of milk to producers of milk in said area at a level that would give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of such milk in the base period, August 1924-July 1929, and that the issuance of this order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area and is approved or favored by over 84 percent of the producers who, during the month of July 1936, said month being determined by the Secretary to be a representative period, have been engaged in the production of milk for sale in the District of Columbia Marketing Area; and

Whereas, the Secretary finds, upon the evidence introduced at the said hearing:

1. That the total volume of milk, the handling of which is covered by this order, is in the current of interstate commerce, or affects interstate commerce in milk and its products:

2. That at the time of said hearing and for a protracted period prior thereto, a disparity existed between the prices of milk and the prices of commodities bought by farmers so that the purchasing power of milk for such commodities was below the purchasing power of milk for such commodities during the base period, and that the payment of the minimum prices with the differentials and premiums applicable thereto, set forth in this order, will tend to correct said disparity;

3. That the classification of milk into two classes follows a custom of long-standing in the market and is a valid economic procedure;

4. That the determination of uniform prices to producers and the payment of such prices through a market-wide

¹ 1 F. R. 724.

equalization pool founded upon a base rating plan is a fair and reasonable method of distributing to producers the proceeds of sales to handlers; and that the method of calculating the bases of all producers is a fair and reasonable method;

5. That the District of Columbia Marketing Area, as defined in this order, is the natural marketing area within which handlers distribute the aforesaid milk;

6. That the Market Administrator is a proper agency to administer this order and that the powers granted to, and duties specified for, such Market Administrator in this order are necessary for the administration of this order;

7. That pro rata assessment on handlers at the rate of not to exceed 2 cents per hundredweight of Class I milk handled, will provide funds necessary for the proper administration of this order;

8. That the reports required of handlers by this order are reasonably necessary for the proper administration of this order;

9. That this order regulates the handling of milk in the same manner as, and is applicable only to handlers specified in the marketing agreement mentioned above, upon which a hearing has been held;

10. That the issuance of this order and all of the terms and conditions hereof will tend to effectuate the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as will reestablish prices of milk to producers of milk in said area at a level that will give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of milk in the base period, August 1924-July 1929;

Now, therefore, the Secretary of Agriculture, pursuant to the authority vested in him by the Act, hereby orders that such handling of milk in the District of Columbia Marketing Area as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce shall, from the effective date hereof, be in conformity to, and in compliance with, the following terms and conditions:

ARTICLE I. DEFINITIONS

SECTION 1. *Terms.*—The following terms shall have the following meanings:

1. "District of Columbia Marketing Area", hereinafter called the Marketing Area, means the territory within the boundary lines of the District of Columbia.

2. "Person" means any individual, partnership, corporation, association, and any other business unit.

3. "Producer" means any person, irrespective of whether any such person is also a handler, who produces milk in conformity with the health requirements applicable for milk to be sold for consumption as milk in the Marketing Area.

4. "Handler" means any person, irrespective of whether such person is a producer or an association of producers, wherever located or operating, who engages in such handling of milk which is sold as milk or cream in the Marketing Area as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce in milk and its products.

5. "Market Administrator" means the person designated pursuant to article II as the agency for the administration hereof.

6. "Delivery period" means the current marketing period from the 1st to, and including, the last day of each month.

7. "Base" means the quantity of milk calculated for each producer pursuant to section 4 of article VI.

ARTICLE II. MARKET ADMINISTRATOR

SECTION 1. *Selection, Removal, and Bond.*—The Market Administrator shall be selected by the Secretary and shall be subject to removal by him at any time. The Market Administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful perform-

ance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

SEC. 2. *Compensation.*—The Market Administrator shall be entitled to such reasonable compensation as may be determined by the Secretary.

SEC. 3. *Powers.*—The Market Administrator shall have power:

1. To administer the terms and provisions hereof; and

2. To receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof.

SEC. 4. *Duties.*—The Market Administrator, in addition to the duties hereinafter described, shall:

1. Keep such books and records as will clearly reflect the transactions provided for herein;

2. Submit his books and records to examination by the Secretary at any and all times;

3. Furnish such information and such verified reports as the Secretary may request;

4. Obtain a bond with reasonable security thereon covering each employee who handles funds entrusted to the Market Administrator;

5. Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

6. Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (a) made reports pursuant to article V or (b) made payments pursuant to article VII; and

7. Pay, out of the funds provided by article VIII, (a) the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the Market Administrator, (b) his own compensation, and (c) all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties.

SEC. 5. *Responsibility.*—The Market Administrator, in his capacity as such, shall not be held responsible in any way whatsoever to any handler or any other person for errors in judgment, for mistakes, or for other acts either of commission or omission, except for his own willful misfeasance, malfeasance, or dishonesty.

ARTICLE III. CLASSIFICATION OF MILK

SECTION 1. *Class I Milk.*—All milk or cream received by each handler from producers or an association of producers shall be Class I milk except that milk which is handled so as to be classified in Class II pursuant to section 2 of this article.

SEC. 2. *Class II Milk.*—Any milk or cream received by any handler from producers which is sold to the Maryland-Virginia Milk Producers' Association or to a person who is a manufacturer of ice cream which is sold at wholesale shall be Class II milk: *Provided*, That such handler has given the Market Administrator reasonable opportunity to inspect such milk or cream prior to such sale and presents on or before the date for filing reports, pursuant to section 1 of article V, a sworn invoice of such sale in form as prescribed by the Market Administrator.

SEC. 3. *Cream Equivalent.*—Whenever necessary for the purpose of reports, classification, prices, and payments herein set forth, cream received from producers shall be considered as its equivalent of milk containing 4.0 percent butterfat.

ARTICLE IV. MINIMUM PRICES

SECTION 1. *Class I Prices to Associations of Producers.*—Each handler shall pay to any association of producers for Class I milk purchased at such handler's plant from such association of producers not less than \$2.82 per hundredweight and in addition shall pay to such association the net amount of premiums and differentials, set forth in sections 3, 4, 5, and 6 of article VII, applicable to each producer who is a member of such association.

SEC. 2. *Class I Prices to Producers.*—Each handler shall pay producers in the manner set forth in article VII for class I

milk delivered to such handler's plant not less than \$2.82 per hundredweight.

Sec. 3. Class II Prices to Producers.—Each handler shall pay producers in the manner set forth in article VII for Class II milk the amount received by such handler for such milk or cream, as shown by the sworn invoices presented to the Market Administrator pursuant to section 2 of article III; provided, that the amount paid shall not be less than the equivalent of the standing offer, of the Maryland-Virginia Milk Producers' Association to buy milk or cream for sale to manufacturers of ice cream sold at wholesale, on file with the Market Administrator on the date of such invoice.

ARTICLE V.—REPORTS OF HANDLERS

SECTION 1. Periodic Reports.—On or before the 5th day after the end of each delivery period each handler shall, with respect to milk or cream which was, during such delivery period, (a) received from producers, (b) received from handlers, and (c) produced by such handler, report to the Market Administrator in the detail and form prescribed by him as follows:

1. The receipts at each plant from producers who are not handlers and the quantity of such receipts which represents the total of all milk delivered by producers in excess of their respective bases;

2. The receipts of each plant from any other handler, including any handler who is also a producer;

3. The quantity, if any, produced by such handler; and

4. The respective quantities of milk which were sold, distributed, or used, including sales to other handlers, as milk, cream, and other products.

Sec. 2. Reports as to Producers.—Each handler shall report to the Market Administrator:

1. Within 10 days after the Market Administrator's request, with respect to any producer for whom such information is not in the files of the Market Administrator, and with respect to a period or periods of time designated by the Market Administrator, (a) the name and address, (b) the total pounds of milk delivered, (c) the average butterfat test of milk delivered, and (d) the number of days upon which deliveries were made; and

2. As soon as possible after first receiving milk from any producer, (a) the name and address of such producer, (b) the date upon which such milk was first received, and (c) the plant at which such producer delivered milk.

Sec. 3. Reports of Payments to Producers.—Each handler shall submit to the Market Administrator, on or before the 15th day after the end of each delivery period, his producer pay roll for such delivery period which shall show for each producer (a) the net amount of such producer's payment with the prices, premiums, deductions, and charges involved, (b) the total delivery of milk with the average butterfat test thereof, and (c) the portion of such delivery which was in excess of the base of such producer.

Sec. 4. Verification of Reports.—In order that the Market Administrator may submit verified reports to the Secretary pursuant to paragraph 3 of section 4 of article II, each handler shall permit the Market Administrator or his agent, during the usual hours of business, to (a) verify the information contained in reports submitted in accordance with this article and (b) weigh milk delivered by each producer and sample and test milk for butterfat.

ARTICLE VI. DETERMINATION OF UNIFORM PRICES TO PRODUCERS

SECTION 1. Computation of Value of Milk for Each Handler.—For each delivery period the Market Administrator shall compute the value of milk received from producers by each handler by (a) multiplying the quantity of such milk in Class I by the price set forth in section 2 of article IV and (b) adding thereto the value of Class II milk handled by such handler, if any.

Sec. 2. Computation and Announcement of Uniform Prices.—The Market Administrator shall compute and announce the uniform prices to be paid producers per hundredweight of milk delivered during each delivery period as follows:

1. Combine into one total the respective values of milk, computed pursuant to section 1 of this article, for each handler who made the reports prescribed by article V and who made the payments prescribed by article VIII for milk received during the previous delivery period;

2. Subtract the total sum due producers pursuant to paragraph 1 of section 1 of article VII;

3. Divide by the total quantity of milk which is in excess of the bases of producers and which is included in these computations;

4. Subtract not less than 2 cents nor more than 3 cents per hundredweight of milk for the purpose of retaining a cash balance in connection with the payments set forth in paragraph 4 of section 1 of article VII;

5. Add an amount per hundredweight of milk which will prorate any cash balance available pursuant to section 3 of this article; and

6. On or before the 8th day after the end of each delivery period, notify all handlers, and make public announcement, of such of these computations as do not disclose information confidential pursuant to the act, and of the uniform price per hundredweight, which is the result of these computations, to be paid producers for milk delivered in excess of their respective bases.

Sec. 3. Proration of Cash Balance.—For each delivery period the Market Administrator shall prorate, by an appropriate addition pursuant to section 2 of this article, the cash balance, if any, in his hands from payments made by handlers, during the next preceding delivery period, to meet obligations arising out of paragraph 4 of section 1 of article VII.

Sec. 4. Base Rating.—The base of each producer shall be a quantity of milk for each delivery period calculated in the following manner: Multiply the figure effective pursuant to section 5 of this article by the number of days on which such producer delivered milk during such delivery period, and take such a percentage of the result as will make, for such delivery period, the total of all milk delivered by producers not in excess of their respective bases approximately equal to 75 percent of Class I milk.

Sec. 5. Determination for Base Rating.—For the purpose of calculating, pursuant to section 4 of this article, the bases of producers who are not also handlers, the market administrator shall determine a figure with respect to deliveries of milk: in bulk to handlers, by each producer, as reported by handlers pursuant to sections 2 and 3 of article V, as follows:

1. Effective from the effective date hereof up to and including December 31, 1936, that figure which is 75 percent of such producer's average deliveries per day during the months of October, November, and December of 1935.

2. The figure effective during each calendar year after 1936 for each producer shall be determined by the Market Administrator with respect to deliveries of milk during October, November, and December of the next preceding calendar year in the following manner:

(a) In the case of any producer whose average delivery per day, was, during said months, less than 125 percent of the figure then effective for such producer, take 80 percent of such average delivery per day;

(b) In the case of any producer whose average delivery per day was, during said months, not less than 125 percent nor more than 133½ percent of the figure then effective for such producer, take the figure then effective; and

(c) In the case of any producer whose average delivery per day was, during said months, more than 133½ percent of the figure then effective for said producer, take the figure effective and add thereto the same percentage of such producer's average delivery per day in excess of 133½ percent of such figure as the percentage derived from dividing the quantity, if any, by which 75 percent of the average daily Class I milk during said months exceeds the total of the figures determined under (a) and (b) of this paragraph added to the respective figures effective for such producers, by the total average delivery

per day of such producers in excess of 133⅓ percent of the respective figures effective for such producers.

3. In the case of any producer for whom handlers have not reported, pursuant to sections 2 and 3 of article V, deliveries of milk during October, November, and December of the preceding calendar year, that figure shall be effective for each of the first three delivery periods during which deliveries are reported which is the same percentage of his average delivery per day as that percentage of the total milk delivered during such delivery period by all other producers not in excess of their respective bases, and thereafter until the end of the then current calendar year, that figure shall be effective which is such producer's average delivery per day not in excess of his base during such three delivery periods.

4. In the case of any producer to whom handlers are required to make payment for all milk delivered pursuant to paragraph 3 of section 1 of article VII, that figure shall be effective from the end of the period of time during which payments are so required until the end of the then current calendar year, which is the percentage of such producer's average delivery per day calculated by dividing the total deliveries of all other producers not in excess of their respective bases by the total deliveries of all other producers during the period of time when handlers are required to make payment to such producer pursuant to paragraph 3 of section 1 of article VII.

ARTICLE VII. PAYMENTS FOR MILK

SECTION 1. Time and Method of Payment.—On or before the 15th day after the end of each delivery period each handler shall make payment for the total value of milk received from producers during such delivery period, computed according to section 1 of article VI, subject to the differentials set forth in sections 3, 4, 5, and 6 of this article, as follows:

1. To producers, at \$3.02 per hundredweight for that quantity of milk delivered by each producer not in excess of the base of such producer.

2. To producers, at the uniform price per hundredweight computed, pursuant to section 2 of article VI, for that quantity of milk delivered by each producer in excess of his base.

3. To each producer who did not regularly sell milk for a period of 30 days prior to the effective date hereof to a handler or to persons within the Marketing Area, at the price computed pursuant to section 2 of article VI for all milk delivered by such producer during the period beginning with the first regular delivery of such producer and continuing until the end of two full calendar months following the first day of the next succeeding calendar month.

4. To producers, through the Market Administrator, by paying to or receiving from the Market Administrator, as the case may be, the amount by which the sums due producers, pursuant to paragraphs 1, 2, and 3 of this section, are less than, or exceed, the value of milk computed for such handler, pursuant to section 1 of article VI as shown in a statement rendered by the Market Administrator on or before the 10th day after the end of such delivery period.

SEC. 2. Errors in Payments.—Errors in making the payments prescribed in this article shall be corrected not later than the date for making payments next following the determination of such errors.

SEC. 3. Butterfat Differential.—If any producer has delivered to any handler during any delivery period milk having an average butterfat content other than 4.0 percent, such handler shall pay to each producer, for each one-tenth of one percent of average butterfat content above 4.0 percent, or shall deduct, for each one-tenth of one percent of average butterfat content below 4.0 percent, 6 cents per hundredweight.

SEC. 4. Premium.—Each handler shall add to the payments for milk delivered by each producer not in excess of the base of such producer, required by section 1 of this article, a premium payment with respect to the score recorded by the Health Department of the District of Columbia at the end of

each delivery period, or if more than one score has been recorded during any delivery period, the average of the scores recorded, in accordance with the following schedule:

Score for equipment and methods:	Premiums per hundredweight
Below 80-----	No premium.
80-84.9-----	12 cents.
85-89.9-----	17 cents.
90-94.9-----	23 cents.
95-97.9-----	35 cents.
98 or over with cattle score of 99-----	46 cents.

SEC. 5. Country Station and Transportation Differential.—If any handler has received milk, during any delivery period, from any producer at a plant located more than 35 miles from the Marketing Area, such handler may, in making payments to such producers, deduct an amount not greater than 25 cents per hundredweight of milk delivered plus 2 cents per hundredweight for each 10 miles of airline distance of such plant from the Marketing Area over 50 miles but not over 100 miles and 1 cent for each 10 miles over 100 miles.

SEC. 6. Cream Differential.—If any handler has received milk in the form of cream from any producer, during any delivery period, such handler shall, in making payments to such producer, deduct an amount equivalent to 6¼ cents per pound butterfat contained in cream received from such producer.

ARTICLE VIII. EXPENSE OF ADMINISTRATION

SECTION 1. Payments by Handlers.—As his pro rata share of the expense of the administration hereof, each handler who is not an association of producers, shall, on or before the 15th day after the end of each delivery period, pay to the Market Administrator a sum not exceeding 2 cents per hundredweight with respect to all Class I milk purchased by him during such delivery period from producers, or an association of producers, or produced by him, the exact amount to be determined by the Market Administrator subject to review by the Secretary.

SEC. 2. Suits by Market Administrator.—The Market Administrator may maintain a suit in his own name against any handler for the collection of such handler's pro rata share of expense set forth in this article.

ARTICLE IX. EFFECTIVE TIME, SUSPENSION, AND TERMINATION

SECTION 1. Effective Time.—The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to section 2 of this article.

SEC. 2. Suspension and Termination.—Any or all provisions hereof or any amendment hereto shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

SEC. 3. Effect.—Unless otherwise provided by the Secretary in the notice of amendment, suspension, or termination of any or all provisions hereof, the amendment, suspension, or termination shall not (a) affect, waive, or terminate any right, duty, obligation, or liability which shall have arisen or may thereafter arise in connection with any provisions hereof, (b) release or waive any violation hereof occurring prior to the effective date of such amendment, suspension, or termination, or (c) affect, or impair any rights or remedies of the Secretary, or of any other person, with respect to any such violation.

SEC. 4. Continuing power and duty.—If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the Market Administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination; provided, that any such acts required to be performed by the Market Administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The Market Administrator, or such other person as the Secretary may designate, (a) shall continue in such capacity until discharged by the Secretary, (b) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the Market Administrator, or such person, to such person as the Secretary shall direct, and (c) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the Market Administrator or such person pursuant hereto.

SEC. 5. Liquidation After Suspension or Termination.—Upon the suspension or termination hereof the Market Administrator, or such person as the Secretary may designate, shall liquidate the business of the Market Administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the Market Administrator or such person in liquidating and distributing such funds shall be distributed to the contributing handlers and producers in an equitable manner.

ARTICLE X. LIABILITY

SECTION 1. Handlers.—The liability of the handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

ARTICLE XI. AGENTS

SECTION 1. Agents.—The Secretary may, by a designation in writing, name any person (not a handler) including any officer or employee of the Government, or name any bureau or division in the Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this agreement.

Now, therefore, H. A. Wallace, Secretary of Agriculture, acting under the provisions of the Agricultural Adjustment Act, as amended, for the purposes and within the limitations therein contained, and not otherwise, does hereby execute this order in duplicate under his hand and the official seal of the Department of Agriculture, in the city of Washington, District of Columbia, on this 17th day of September 1936, and, pursuant to the provisions hereof, declares this order to be effective on and after 12:01 a. m., eastern standard time, September 21, 1936.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 2271—Filed, September 17, 1936; 2:04 p. m.]

DEPARTMENT OF LABOR.

Office of the Secretary.

[Reg. No. 504]

REGULATIONS FOR ADMINISTRATION OF THE ACT OF JUNE 30, 1936, PUBLIC, NO. 846, 74TH CONGRESS

By virtue of the authority vested in the Secretary of Labor by section 4 of the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", (act of June 30, 1936, Public No. 846, 74th Cong.) and in order to establish uniform procedure under said act, the following Regulations are hereby prescribed:

PART I. CONTRACT STIPULATIONS

ARTICLE 1. Insertion of Stipulations.—Except as herein-after directed, in every contract made and entered into by an executive department, independent establishment, or other agency or instrumentality of the United States, or by the District of Columbia, or by any corporation all the stock of which is beneficially owned by the United States, for the

manufacture or furnishing of materials, supplies, articles, and equipment, with respect to which invitations for bids are issued on or after September 28, 1936, the contracting officer shall cause to be inserted in such invitation or the specifications and in such contract, the following stipulations:

Representations and stipulations pursuant to Public Act No. 846, Seventy-fourth Congress:

(a) The contractor is the manufacturer of or a regular dealer in the materials, supplies, articles, or equipment to be manufactured or used in the performance of the contract.

(b) All persons employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract will be paid, without subsequent deduction or rebate on any account, not less than the minimum wages as determined by the Secretary of Labor to be the prevailing minimum wages for persons employed on similar work or in the particular or similar industries or groups of industries currently operating in the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under the contract: *Provided, however,* That this stipulation with respect to minimum wages shall apply only to purchases or contracts relating to such industries as have been the subject matter of a determination by the Secretary of Labor.

(c) No person employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract shall be permitted to work in excess of 8 hours in any 1 day or in excess of 40 hours in any 1 week, unless such person is paid such applicable overtime rate as has been set by the Secretary of Labor.

(d) No male person under 16 years of age and no female person under 18 years of age and no convict labor will be employed by the contractor in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in the contract.

(e) No part of the contract will be performed nor will any of the materials, supplies, articles, or equipment to be manufactured or furnished under said contract be manufactured or fabricated in any plants, factories, buildings, or surroundings or under working conditions which are insanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of the contract. Compliance with the safety, sanitary, and factory inspection laws of the State in which the work or part thereof is to be performed shall be prima-facie evidence of compliance with this subsection.

(f) Any breach or violation of any of the foregoing representations and stipulations shall render the party responsible therefor liable to the United States of America for liquidated damages, in addition to damages for any other breach of the contract, in the sum of \$10 per day for each male person under 16 years of age or each female person under 18 years of age, or each convict laborer knowingly employed in the performance of the contract, and a sum equal to the amount of any deductions, rebates, refunds, or underpayment of wages due to any employee engaged in the performance of the contract; and, in addition, the agency of the United States entering into the contract shall have the right to cancel same and to make open market purchases or enter into other contracts for the completion of the original contract, charging any additional cost to the original contractor. Any sums of money due to the United States of America by reason of any violation of any of the representations and stipulations of the contract as set forth herein may be withheld from any amounts due on the contract or may be recovered in a suit brought in the name of the United States of America by the Attorney General thereof. All sums withheld or recovered as deductions, rebates, refunds, or underpayments of wages shall be held in a special deposit account and shall be paid, on order of the Secretary of Labor, directly to the employees who have been paid less than minimum rates of pay as set forth in such contracts and on whose account such sums were withheld or recovered: *Provided,* That no claims by employees for such payments shall be entertained unless made within 1 year from the date of actual notice to the contractor of the withholding or recovery of such sums by the United States of America.

(g) The contractor shall post a copy of the stipulations in a prominent and readily accessible place at the site of the contract work and shall keep such employment records as are required in the Regulations under the act available for inspection by authorized representatives of the Secretary of Labor.

(h) The foregoing stipulations shall be deemed inoperative if this contract is for a definite amount not in excess of \$10,000.

ART. 2. *Statutory Exemptions.*—Inclusion of the stipulations herein enumerated is not required in the following instances:

(a) Where the contracting officer is authorized by statute or otherwise to purchase in the open market without advertising for proposals;

(b) Where the contract relates to perishables, including dairy, livestock, and nursery products ("perishables" cover products subject to decay or spoilage and not products canned, salted, smoked, or otherwise preserved);

(c) Where the contract relates to agricultural or farm products processed for first sale by the original producers;

(d) Where the contract is by the Secretary of Agriculture for the purchase of agricultural commodities or the products thereof;

(e) Where the contract is with a common carrier for carriage of freight or personnel by vessel, airplane, bus, truck, express, or railway line, where published tariff rates are in effect;

(f) Where the contract is for the furnishing of service by radio, telephone, telegraph, or cable companies, subject to the Federal Communications Act of 1934.

PART II. ADMINISTRATIVE REGULATIONS

ART. 101. *Manufacturer or Regular Dealer.*—A bidder or contractor shall be deemed to be a "manufacturer" or "regular dealer" within the meaning of the stipulation required by section 1 (a) of the act and article 1 (a) of these Regulations if he falls within one of the following categories:

(a) A manufacturer is a person who owns, operates, or maintains a factory or establishment that produces on the premises the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.

(b) A regular dealer is a person who owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and sold to the public in the usual course of business.

Except as hereinafter provided, every bid received from any bidder who does not fall within one of the foregoing categories shall be rejected by the contracting officer:

Whenever justice and the public interest will be served, bids for a contract or class of contracts will be exempted from the foregoing requirement by the Secretary of Labor upon the request of the head of the contracting agency or department when accompanied by his finding of fact that it will be so difficult to obtain satisfactory bids for the contract or class of contracts under the stipulated restrictions, that the conduct of Government business will be seriously impaired.

ART. 102. *Employees Affected.*—The stipulations shall be deemed applicable only to employees engaged in or connected with the manufacture, fabrication, assembling, handling, supervision, or shipment of materials, supplies, articles, or equipment required under the contract and shall not be deemed applicable to office or custodial employees.

ART. 103. *Overtime.*—Employees engaged in or connected with the manufacture, fabrication, assembling, handling, supervision, or shipment of materials, supplies, articles, or equipment used in the performance of the contract may be employed in excess of 8 hours in any 1 day or in excess of 40 hours in any 1 week, provided such persons shall be paid for any hours in excess of such limits the overtime rate of pay which has been set therefor by the Secretary of Labor.

Until otherwise set by the Secretary of Labor the rate of pay for such overtime shall be one and one-half times the basic hourly rate or piece rate received by the employee.

If in any 1 week or part thereof an employee is engaged in work covered by the contractor's stipulations, his overtime shall be computed after 8 hours in any 1 day or after 40 hours in any 1 week during which no single daily total of employment may be in excess of 8 hours without payment of the overtime rate.

ART. 201. *Breach of Stipulations.*—Whenever the Department of Labor notifies the head of a contracting agency that a contractor is liable for liquidated damages by reason of a breach of stipulations as provided in section 2 of the act, there shall be withheld from any balance due under the contract such amount as may be necessary to satisfy such liability pending final disposition of the case.

Whenever a final determination of a breach of stipulations is made, the Secretary of Labor will furnish to the contracting agency a copy of the findings and decision with such recommendations as will assist the contracting agency in determining whether or not the contract should be canceled for such breach.

ART. 501. *Records of employment.*—Every contractor subject to the provisions of the act and these Regulations shall maintain the following records of employment which shall be available for the inspection and transcription of authorized representatives of the Secretary of Labor:

(a) Name, address, sex, age, and occupation of each employee covered by the contract stipulations.

(b) Wage and hour records for each such employee including the rate of wages and the amount paid each pay period, the hours worked each day and each week, and the period during which each such employee was engaged on a Government contract with the number of such contract.

Such records shall be kept on file for at least 1 year after the termination of the contract.

ART. 601. *Requests for Exceptions and Exemptions.*—Request for the exception or exemption of a contract or class of contracts from the inclusion or application of one or more of those stipulations required by article 1 must be made by the head of a contracting agency or department and shall be accompanied with a finding by him setting forth reasons why such inclusion or application will seriously impair the conduct of Government business.

Request for the exception or exemption of a stipulation respecting minimum rates of pay and maximum hours of labor contained in an existing contract must be made jointly by the head of the contracting agency and the contractor and shall be accompanied with a joint finding by them setting forth reasons why such exception or exemption is desired.

All requests for exceptions or exemptions shall be transmitted through the Procurement Division of the Treasury for submission to the Department of Labor for consideration and shall be returned through the Procurement Division.

ART. 602. *Decisions Concerning Exceptions and Exemptions.*—Decisions concerning exceptions and exemptions shall be in writing and approved by the Secretary of Labor or officer prescribed by him, originals being filed in the Department of Labor, and certified copies shall be transmitted to the department or agency originating the request, to the Comptroller General, and to the Procurement Division of the Treasury. All such decisions shall be promulgated to all contracting agencies by the Procurement Division of the Treasury.

ART. 603. *Administrative Exemptions.*—The following classes of contracts have been exempted from the application of article 1 of these Regulations pursuant to the procedure required under section 6 of the act:

(a) Contracts for public utility services including electric light and power, water, steam, and gas;

(b) Contracts which are to be performed outside the geographic limits of the United States, its territories, and the District of Columbia, except where such performance requires a shipment from within such geographic limits;

(c) Contracts covering purchases against the account of a defaulting contractor where the stipulations required herein were not included in the defaulted contract.

ART. 701. *Definition of "Person"*.—Whenever used in these Regulations, the word "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

ART. 1101. *Minimum Wages*.—Until a determination of the prevailing minimum wage for a particular industry or group of industries has been made by the Secretary of Labor prior to the invitation for bids, the stipulation with respect to wages in section 1 (b) of the act will be inoperative, as provided in article 1 (b) of these Regulations.

Determinations of prevailing minimum wages or changes therein will be published in the FEDERAL REGISTER and sent to contracting officers through circular letters of the Procurement Division of the Treasury. Such determinations will be effective upon the dates fixed therein.

ART. 1201. *Reports of Contracts Awarded*.—Whenever the contracting officer shall award a contract in which the stipulations required under article 1 are operative, he shall furnish the Department of Labor in duplicate on forms provided for this purpose, a statement showing the name of the contracting agency, the purchase order number, the material purchased, the date of award, the contract price, the proposed date of delivery, the contractor's name and address, and the name and location of the plant or plants fabricating or supplying the subject matter of the contract.

ART. 1202. *Complaints*.—Whenever any officer or employee of the United States Government, or of any agency thereof, has any knowledge of or receives any complaint with respect to a breach or violation of the stipulations required under article 1, he shall transmit such complaint according to the usual practice in his department to the Department of Labor together with such other information as he has in his possession.

ART. 1203. *Other Contracts*.—Nothing in these Regulations shall be construed as impairing the authority possessed by any contracting agency to require labor standards in contracts not covered by this act.

[SEAL]

FRANCES PERKINS,
Secretary of Labor.

SEPTEMBER 14, 1936.

[F. R. Doc. 2269—Filed, September 17, 1936; 1:04 p. m.]

INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 10th day of September A. D. 1936.

[Docket No. BMC 2960]

APPLICATION¹ OF D. A. BEARD TRUCK LINES COMPANY, INC., FOR AUTHORITY TO OPERATE AS A COMMON CARRIER

In the Matter of the Application of D. A. Beard Truck Lines Company, Inc., of 6739 Navigation Boulevard, Houston, Tex., for a Certificate of Public Convenience and Necessity (Form BMC 1), Authorizing Operation as a Common Carrier by Motor Vehicle in the Transportation of Commodities Generally, in Interstate Commerce, in the States of Arkansas, Louisiana, Oklahoma, and Texas Over the Following Routes:

- Route No. 1.—Between Houston and Galveston, Tex.
- Route No. 2.—Between Houston, Tex., and New Orleans, La.
- Route No. 3.—Between Houston and El Paso, Tex.
- Route No. 4.—Between Houston, Tex., and Bartlesville, Okla.
- Route No. 5.—Between Houston, Tex., and Tulsa, Okla.
- Route No. 6.—Between Houston, Tex., and Ponca City, Okla.
- Route No. 7.—Between Houston and Amarillo, Tex.
- Route No. 8.—Between Houston and Brownsville, Tex.
- Route No. 9.—Between Houston and Alice, Tex.
- Route No. 10.—Between Houston and Rio Grande, Tex.
- Route No. 11.—Between Houston and Laredo, Tex.

¹ 1 F. R. 1527.

Route No. 12.—Between Houston, Tex., and Shreveport, La.

Route No. 13.—Between Houston, Tex., and Texarkana, Tex.—Ark.

Route No. 14.—Between Houston and Clarksville, Tex.

Route No. 15.—Between Houston and Paris, Tex.

Route No. 16.—Between Houston and Farwell, Tex.

Route No. 17.—Between Houston, Tex., and Plainview, Tex.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner A. W. Booth for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered, That this matter be set down for hearing before Examiner A. W. Booth, on the 12th day of October A. D. 1936, at 10 o'clock a. m. (standard time), at the Ben Milam Hotel, Houston, Tex.;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL]

GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 2372—Filed, September 18, 1936; 12:04 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 10th day of September A. D. 1936.

[Docket No. BMC 50493]

APPLICATION OF MO-ARK COACH LINES, INC., FOR AUTHORITY TO OPERATE AS A COMMON CARRIER

In the Matter of the Application of Mo-Ark Coach Lines, Inc., of 439 West Olive Street, Springfield, Mo., for a Certificate of Public Convenience and Necessity (Form BMC 9), to Extend Its Present Operation Filed on Form BMC 2, Authorizing Operation as a Common Carrier by Motor Vehicle in the Transportation of Persons, Light Express and Newspapers, in Interstate Commerce, in the States of Arkansas, Tennessee, Mississippi and Alabama, Over the Following Route:

Route No. 1.—Between Jonesboro, Ark., and Florence, Ala., via Memphis, Tenn., and Corinth, Miss.

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate Commerce Commission, Washington, D. C., or offices of the boards, commissions, or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner P. S. Peyser for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered, That this matter be set down for hearing before Examiner P. S. Peyser, on the 15th day of October A. D. 1936, at 10 o'clock a. m. (standard time), at the Peabody Hotel, Memphis, Tenn.

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hear-

ing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof, and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL]

GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 2273—Filed, September 18, 1936; 12:04 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of September A. D. 1936.

[File No. 2-2409]

IN THE MATTER OF REGISTRATION STATEMENT OF SCOTTISH DYE WORKS, LTD.

ORDER CANCELING HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED

The Commission having heretofore, on September 9, 1936, designated Charles S. Moore, an officer of the Commission, to take testimony at a hearing to be held in this matter under Section 8 (d) of the Securities Act of 1933, as amended, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., on September 17, 1936, at 10 o'clock a. m., and

The Commission having this day, at the request of the registrant, by order under Section 8 (b) of the said Act refused to permit the registration statement to become effective.

It is ordered that the said hearing is hereby canceled. By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2274—Filed, September 18, 1936; 12:56 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of September A. D. 1936.

[File No. 2-2404]

IN THE MATTER OF REGISTRATION STATEMENT OF GLOBE SILVER MINES, INC.

ORDER CHANGING DATE FOR HEARING

The Commission having heretofore, on September 4, 1936, ordered that a hearing under Section 8 (d) of the Securities Act of 1933, as amended, be held in this matter on September 17, 1936, at 2 o'clock p. m. in Room 726-C, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and having designated John H. Small, an officer of the Commission, to take testimony therein; and

The registrant having indicated that it will request the withdrawal of the registration statement; and

Counsel for the Commission having requested a postponement of said hearing,

It is ordered that the hearing heretofore called for September 17, 1936, be held at the same hour and place on September 24, 1936.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2275—Filed, September 18, 1936; 12:56 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL-SEEDLE FARM, FILED ON SEPTEMBER 11, 1936, BY JOHN P. BOOTH, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that insufficient data have been given in Division III with respect to the statement that the leases selected for comparison in the Chat and Hunton Lime horizons are similarly located geologically;

2. In that in Division III insufficient data or reasons are given to show that the production from the Chat horizon will have reached 9,400 barrels per acre when the potential has decreased to 300 barrels per day;

3. In that in Division III the well spacing pattern, upon which the drainage area may be based, has not been given in the tracts used for comparison in the Chat horizon;

4. In that in Division III insufficient information is given to support the statement that the production from the Hunton line should produce equally as favorably as the leases to the North which produce from 2 horizons;

5. In that insufficient data are given to support the comparison of Shell-Seedle lease and the Barnsdall-Sabin C;

6. In that insufficient data are given to support the belief that Shell-Seedle lease will be productive in the Siliceous Lime formations;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 17th day of October 1936, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Moore, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 2nd of October 1936, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2278—Filed, September 18, 1936; 12:57 p. m.]

*United States of America—Before the Securities
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE SEALY-BURKE #3 FARM, FILED ON SEPTEMBER 11, 1936, BY DION KITSOS, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that the purported geologist's report does not contain the information required by the regulations of the Commission under the Securities Act of 1933, as amended, nor is it in the proper form;
2. In that the answers to Items 10, 11, and 12 of Division II are incomplete and non-responsive;
3. In that the map, or plat, is undated and bears no legend;
4. In that the answer to Item 15 of Division II is incomplete;
5. In that the answer to Item 16 of Division II is incomplete;
6. In that the answer to Item 25 of Division II is not responsive and is confusing;
7. In that Exhibit B is omitted;
8. In that the aggregate offering of securities by you effecting this property exceeds \$100,000, and hence is not the type of exempt security on which an offering sheet may be filed under Article 2, Regulation B, of the General Rules and Regulations, as amended, of the Securities and Exchange Commission, under the Securities Act of 1933, as amended;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 17th day of October 1936 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Moore, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 1st day of October 1936, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission,

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2276—Filed, September 18, 1936; 12:56 p. m.]

*United States of America—Before the Securities
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL-MYERS FARM, FILED ON SEPTEMBER 11, 1936, BY SOUTHWEST ROYALTIES COMPANY, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that in Division III insufficient data or reasons are given with respect to the use of the alleged average per acre production in the Welch Pool either of the Phillips-Miller tract or others therein, or the use of such figure as a comparison with the Ritz Canton field;
2. In that in the Chat horizon insufficient data or reasons are given to show the relation between the structural positions of the 2 fields used in the comparative analysis;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 17th day of October 1936, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Moore, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 2nd day of October 1936, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2273—Filed, September 18, 1936; 12:57 p. m.]

*United States of America—Before the Securities
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN-McNABB PARK FARM, FILED ON SEPTEMBER 11, 1936, BY JAMES W. TAIT COMPANY, INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the

offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that in Item 13, Division II, it is stated that "It now appears that this [north] extension is proving to be one of the best and most prolific areas in the entire field";

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations, under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 17th day of October 1936, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Moore, an officer of the Commission, be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 1st day of October, 1936 at 10:00 o'clock in the forenoon at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2277—Filed, September 18, 1936; 12:56 p. m.]

Tuesday, September 22, 1936

No. 136

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

EXCUSING FROM DUTY ON WEDNESDAY, SEPTEMBER 23, 1936, UNTIL 1 P. M., EMPLOYEES OF THE EXECUTIVE DEPARTMENTS, ESTABLISHMENTS, AND OTHER AGENCIES OF THE FEDERAL GOVERNMENT IN THE DISTRICT OF COLUMBIA, WHO DESIRE TO SHOW HONOR TO THE VETERANS OF THE CIVIL WAR UPON THE OCCASION OF THE PARADE OF THE GRAND ARMY OF THE REPUBLIC

To enable those employees of the executive departments, independent establishments, and other agencies of the Government in the District of Columbia, including the Government Printing Office and the Navy Yard and stations, who may desire to join with the citizens of the District of Columbia in showing honor to the veterans of the Civil War on the occasion of the parade of the Grand Army of the Republic which is to take place in the District of Columbia on Wednesday morning, September 23, 1936, at ten o'clock, I hereby order and direct, by virtue of and pursuant to the authority vested in me as President of the United States, that all such employees, except those who may for special public reasons be excluded from the provisions of this order, or those whose absence from duty would be inconsistent with the provisions of existing law, be excused from duty until 1 P. M. on that day.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
September 17, 1936.

[No. 7450]

[F. R. Doc. 2282—Filed, September 18, 1936; 2:57 p. m.]

EXECUTIVE ORDER

TRANSFERRING CERTAIN LANDS TO THE CONTROL AND JURISDICTION OF THE SECRETARY OF THE NAVY

California

By virtue of and pursuant to the authority vested in me by section 6 of the act of March 12, 1926, 44 Stat. 203, 206, and otherwise, and in the interest of the national defense, it is ordered that the control and jurisdiction over the following-described property be, and it is hereby, transferred from the Secretary of War to the Secretary of the Navy:

All that portion of the military reservation known as the San Diego Barracks, situated in the City of San Diego, State of California, comprising block No. 31 of new San Diego according to the map of new San Diego made by A. B. Gray and J. D. Johns and on file in the office of the County Recorder of San Diego County.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
September 17, 1936.

[No. 7451]

[F. R. Doc. 2283—Filed, September 18, 1936; 2:57 p. m.]

EXECUTIVE ORDER

ADDITION TO UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

Minnesota and Wisconsin

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, and as President of the United States, and in order to effectuate further the purposes of the Upper Mississippi River Wild Life and Fish Refuge Act (43 Stat. 650), and the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that the following-described lands, comprising 4,266.62 acres, more or less, in Winona and Wabasha Counties, Minnesota, and Buffalo County, Wisconsin, situated on either side of, or upon islands in, the Mississippi River between Rock Island, Illinois, and Wabasha, Minnesota, and subject to overflow by said River, which lands have been determined by the Secretary of Agriculture to be suitable for the purposes of said Upper Mississippi River Wild Life and Fish Refuge Act, be, and they are hereby, reserved and set apart, subject to valid existing rights, for the use of the Department of Agriculture as a breeding place for migratory and other wild birds, game and fur-bearing animals, and fish and other aquatic animal life, and for the conservation of wild flowers and aquatic plants, to be administered as a part of the Upper Mississippi River Wild Life and Fish Refuge.

FOURTH PRINCIPAL MERIDIAN

T. 20 N., R. 12 W.,
sec. 6:

that part of lots 1247 and 1248, also known as Mill lot or lots, in the First Addition to the City of Buffalo City, Wisconsin, lying west of a line described as follows: Beginning at a point on the south line of lot 1247, also known as the south line of Mill lot, 25 feet east of the southwest corner thereof; thence northwesterly along a straight line to the northwest corner of lot 1248, also known as the northwest corner of Mill lot;

that part of lot 12 lying west of a line described as follows: Beginning at a point on the north line of said lot 968 feet west of the northeast corner thereof; thence S. 24°31' E., 388.0 ft.; thence S. 17°06' E., 530.4 ft.; thence S. 22°12' E., 336.9 ft., more or less, to the northwest corner of lot 1248, also known as the northwest corner of Mill lot, in First Addition to the City of Buffalo City, Wisconsin; thence south along the western line of lots 1248 and 1247, to the southwest corner of lot 1247, also known as the southwest corner of Mill lot, in the First Addition to the City of Buffalo City, Wisconsin; thence south to the south line of said lot 12.

T. 20 N., R. 13 W., sec. 1, lot 2.

